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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

	x	
	:	<b>Chapter 11</b>
<b>In re:</b>	:	
	:	<b>Case No. 08-13555 (SCC)</b>
<b>LEHMAN BROTHERS HOLDINGS INC., et al.,</b>	:	
	:	
<b>Debtors.</b>	:	
	x	

**CHERRY CREEK MORTGAGE COMPANY, INC.'S, CONSENT TO LBHI'S  
WITHDRAWAL OF MOTION IN AID OF ADR PROCEDURES AND  
RESERVATION OF RIGHTS**

Cherry Creek Mortgage Company, Inc. ("CCMC"), a party-in-interest of Lehman Brothers Holdings Inc., and its affiliates (collectively ("LBHI"), by and through its undersigned counsel, hereby files its Consent to Withdrawal of LBHI's Motion in Aid of ADR Procedures and Reservation of Rights (the "Reservation"). In support of its Reservation, CCMC states as follows:

**BACKGROUND**

1. On October 22, 2015, LBHI filed its Motion in Aid of Alternative Dispute Resolution Procedures Order for Indemnification Claims of the Debtors Against Mortgage Loan Sellers (Docket No. 51241) (the "Motion in Aid").

2. The Motion in Aid requested, *inter alia*, that CCMC be forced to participate in mandatory mediation with respect to unspecified mortgage loans made by an entity known as

American Mortgage Alliance, Inc. (“AMAI”), on numerous and supported theories of successor liability. (*See id.* at ¶¶ 22-43).

3. On November 16, 2015, CCMC timely filed its Response and Objection to the Motion in Aid (the “CCMC Objection”). (Docket No. 51549). In the CCMC Objection, CCMC vehemently denied that it was a successor, in any fashion, to AMAI, objected to being forced to participate in mandatory mediation, and requested an evidentiary hearing with respect to whether it was a successor to AMAI. (*See id.*).

4. Once the CCMC Objection was filed, the Motion in Aid became a contested matter under Fed. R. Bankr. P. 9014.

5. A hearing on the Motion in Aid and the CCMC Objection was initially scheduled for November 23, 2015 (the “Hearing”). (Docket No. 51241).

6. The Hearing was subsequently adjourned, unilaterally by LBHI, on five (5) other occasions. (*See* Docket Nos. 52084, 52488, 52737, 52935, and 53242).

7. On August 15, 2016, LBHI filed its Notice of Withdrawal of Debtors’ Motion in Aid of Alternative Dispute Resolution Procedures Order for Indemnification Claims of the Debtors Against Mortgage Loan Sellers as to Cherry Creek Mortgage Company, Inc. (the “Withdrawal”). (Docket No. 53499).

8. The Withdrawal states that “LBHI is hereby withdrawing the [Motion in Aid] as to Cherry Creek. This withdrawal shall only apply to Cherry Creek, is without prejudice, and shall not have for or effect as to any other entity subject to the Motion.” (*Id.*).

### **RESERVATION OF RIGHTS**

9. CCMC consents to the Withdrawal’s request being “without prejudice”. However, because the Motion in Aid and CCMC Objection are a considered a “contested matter”

under Fed. R. Bankr. P. 9014, CCMC hereby reserves all rights, pursuant to Fed. R. Bankr. P. 7041, 9011, and 9014(c), to request the payment of all fees and costs incurred in defending against the Motion in Aid and preparing the CCMC Objection. CCMC further reserves all other rights applicable to it under the Bankruptcy Code and all applicable Rules of the Federal Rules of Bankruptcy Procedure with respect to any other matter.

Dated: Denver, Colorado

August 15, 2015

MOYE WHITE LLP

By: /s/ Paul R. Franke

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